



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Mrs. B. L. Neal, Board Member
State Board of Hairdressers and Cosmetologists
Austin, Texas

Dear Madam:

Opinion No. 0-4292
Re: Use of \$2700.00 provided in
rider to appropriation to
State Board of Hairdressers
and Cosmetologists for addi-
tional personnel requirements

Your letter of the 29th instant submits the following
question for an opinion by this department:

"Does the board have authority to use the rider
amounting to \$2700.00 for the purpose of employing
the additional personnel which will be necessary to
revise the filing and record keeping system which is
now being used in the Board's office, for the year
ending 1942."

The rider to the appropriation made for the State Board
of Hairdressers and Cosmetologists for the current biennium pre-
vides in part as follows:

"Provided further the Board is hereby authorized
to install a system of record keeping and there is
hereby appropriated the sum of \$11,511.00 for the in-
stallation and the sum of \$2,700.00 for additional per-
sonnel requirements for the year ending 1942 and the
sum of \$9,989.00 for personnel and maintenance for the
year ending 1943 out of the State Board of Hairdres-
sers and Cosmetologists' Fund."

Your question is answered in the affirmative. In our
opinion, the expenditure of the item of \$2700.00 for additional
personnel requirements is not intended to be available only for
personnel necessary to keep up the new system of record keeping
authorized to be installed. There is nothing in the language used
by the Legislature to indicate that such a narrow construction of

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the appropriation was intended. On the contrary, the broadest possible language is used, to-wit: "Additional personnel requirements for the year ending 1942." The main object of the appropriations provided by the rider is to enable the Board to transact its business efficiently and economically. We cannot believe that the item of \$2700.00 was to be available only upon the installation of a new system of record keeping and the attendant expense of installing such a system, if, in the opinion of the Board, efficiency and economy will be attained in the transaction of the business of the department by a revision of the present filing and record keeping system, rather than by the installation of a new system of record keeping.

Furthermore, it is to be observed that the Legislature does not attempt to prescribe the character of the system of record keeping to be installed. This, then, is left to the judgment of the board. In the exercise of such discretion, the board, obviously, may determine to revise the existing record keeping system, rather than install a new system. If it does so, it may, in our opinion, employ and pay out of the \$2700.00 item of appropriation the additional personnel necessary to make such revision.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Richard W. Fairchild*
Richard W. Fairchild
Assistant

RWF:ej

APPROVED DEC 31, 1941

Gen. G. B. Davis
ATTORNEY GENERAL OF TEXAS

